

FILED
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U.S. DISTRICT COURT E.D.N.Y.

★ NOV 26 2019 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

IN RE APPLICATION OF ANDREW RIPPERT FOR
AN ORDER AUTHORIZING APPLICANT TO
OBTAIN DISCOVERY FOR USE IN A
PROCEEDING IN A FOREIGN TRIBUNAL
PURSUANT TO 28 U.S.C. § 1782(a)

MISC 19 - 3029
CIVIL NO. 19 Misc.

DeARCY HALL, J.

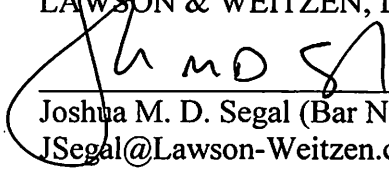
**APPLICATION TO OBTAIN DISCOVERY FOR USE IN A
PROCEEDING IN A FOREIGN TRIBUNAL PURSUANT TO 28 U.S.C. § 1782(a).**

Pursuant to 28 U.S.C. § 1782(a) and Fed.R.Civ.P. 45, Applicant Andrew Rippert, by his attorneys, Lawson & Weitzen, LLP, respectfully applies to this Court for an Order authorizing Applicant to cause to be served on Constantine Iordanou, who resides in this District, the Subpoena *Duces Tecum* attached hereto as Exhibit 1 to obtain discovery for use in an arbitration proceeding subject to the Arbitration Rules of the United Nations Commission on International Trade Law that is now pending in Bermuda. In support of this Application, Mr. Rippert has filed herewith a Memorandum of Law, the Declaration of Andrew Rippert, and a Proposed Order.

Dated: November 25, 2019

Respectfully submitted,
ANDREW RIPPERT

By his attorneys,
LAWSON & WEITZEN, LLP


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Telephone (617) 439-4990
Facsimile (617) 439-3987

Address for purposes of N.Y. Jud. Law § 470
SEGAL & GREENBERG
179 Franklin Street
New York, New York 10013
*Please use Massachusetts address for all
purposes unless otherwise necessary

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Andrew Rippert

Plaintiff

v.

Defendant

Civil Action No. 19 Misc.

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Constantine Iordanou

3085 Vernon Blvd., Unit PHP, Astoria, NY 11102-4054

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Segal & Greenberg, LLP
179 Franklin Street
New York, NY 10013

Date and Time:

12/13/2019 10:00 am

The deposition will be recorded by this method: _____

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

See Attached Schedule A

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 11/25/2019

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____

Andrew Rippert, who issues or requests this subpoena, are:

Joshua M. D. Segal, Lawson & Weitzen, LLP, 88 Black Falcon Avenue, Suite 345, Boston, MA 02210

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 19 Misc.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

SCHEDULE A

DEFINITIONS

1. The definitions and rules of construction set forth in Local Civil Rule 26.3 are incorporated herein by reference.

2. Any reference in any request to an entity includes the entity's members, managers, officers, directors, employees, agents, representatives, and attorneys.

3. The term "Arch" means Arch Capital Group, Ltd. and any subsidiary, parent, or affiliated entity of Arch Capital Group, Ltd.

4. The term "Bermuda Arbitration" means the arbitration commenced by Arch against Andrew Rippert on or about July 19, 2019.

5. The term "Arch Statement of Claim" means the Statement of Claim Arch served on Andrew Rippert initiating the Bermuda Arbitration on or about July 19, 2019.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. All documents, including without limitation all notes, minutes, communications, and emails, concerning Arch's removal of Andrew Rippert as Chief Executive Officer of the Arch Global Mortgage Group in or about February 2019.

2. All documents, including without limitation all notes, minutes, communications, and emails, concerning Arch's termination of Andrew Rippert's employment on or about July 19, 2019.

3. All documents, including without limitation all notes, minutes, communications, and emails, concerning your communications with Andrew Rippert between March 29, 2019 and May 19, 2019 relating to Mr. Rippert's plans to launch a residential mortgage REIT after the

termination of his employment at Arch. This request extends to your communications with Mr. Rippert, as well as your communications with third parties, including Arch.

4. All documents, including without limitation all notes, minutes, communications, and emails, concerning Mr. Rippert's plans to establish a residential mortgage REIT after the termination of his employment at Arch.

5. All documents, including without limitation all notes, minutes, communications, and emails, concerning the competitiveness or lack of competitiveness between Mr. Rippert's proposed residential mortgage REIT and any business conducted by Arch.

6. All documents, including without limitation all notes, minutes, communications, and emails concerning Arch's plans and progress developing new businesses described in the Arch Statement of Claim.